

The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next
friend of A.B., an incapacitated person, et al.,

Plaintiffs,

v.

THE WASHINGTON STATE
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, et al.,

Defendants.

NO. 2:14-cv-1178 MJP

DECLARATION OF
DR. THOMAS J. KINLEN –
MARCH 2025 DATA &
CONTEMPT REPORT

I, Thomas J. Kinlen, am over the age of 18 years of age, competent to testify to the matters below, and declare based upon personal knowledge:

1. I am the Director of the Office of Forensic Mental Health Services (OFMHS) within the Behavioral Health Administration (BHA) of the Department of Social and Health Services (DSHS). As the Director, I am also a Deputy Assistant Secretary and an Appointing Authority who is an authorized representative of the Department of Social and Health Services.

2. As the Director, I am responsible for the delivery of forensic services in the State of Washington which includes competency to stand trial evaluations, competency restoration, and not guilty by reason of insanity evaluations. I am responsible for the operation of OFMHS which includes oversight of contract / administrative management with competency restoration

1 sites, establishing consistent policies, procedures and practices across the competency sites and
2 State Hospitals, assisting forensic evaluators in completing job duties as assigned, and working
3 with the key stakeholders across the state in addressing any issues and concerns related to
4 forensic patients.

5 3. I joined the Department of Social and Health Services in May 2016. Prior to
6 joining BHA, I served as the Superintendent at Larned State Hospital, in Larned, Kansas in which
7 I was also serving as the Clinical Director, Supervising Psychologist for both the Sexual Predator
8 Treatment Program and the State Security Program, and as the Director of Clinical Training for
9 both the APA Accredited Psychology Internship and the APPIC certified Postdoctoral
10 Fellowship training programs.

11 4. On July 7, 2016, this Court issued an order directing the Department to provide
12 data in a format presented in a declaration by Dr. Bryan Zolnikov on June 17, 2016
13 (Dkt. No. 278). I have reviewed the Court's order and worked with data staff to coordinate and
14 provide the data the Court has requested. Attached as Attachment A is a true and correct copy of
15 the February 2016 – January 2025 summary data of wait times, as well as the charts containing
16 individual class members' wait times for January 2025. The data is reported using the modified
17 timelines set by the Court's Order (allowing for up to seven days for transmission of the court
18 order). *See* Dkt. No. 408.

19 5. Fines are calculated in accordance with the modified timelines adopted by the
20 Court. Dkt. No. 408. Fines are assessed on a per-class member, per day basis. For inpatient
21 admissions fines are calculated at \$500 for the first six days of non-compliance, and \$1000 per
22 day for the seventh day and each additional day of non-compliance; for in-jail evaluations: \$750
23 for the first six days of non-compliance, and \$1500 per day for the seventh day and each
24 additional day of non-compliance. For additional information about how compliance is
25 calculated, see the Parties Joint Motion to Adopt the Mediated Settlement Agreement
26

1 at Dkt. No. 389. The total fines are also adjusted per the Court's Order Granting Final Approval
2 of Amended Settlement Agreement (Dkt. No. 623).

3 6. Attached as Attachment B is a true and correct proposed calculation of inpatient
4 contempt fines for the period of February 1 – February 28, 2025. The first page contains a
5 summary of the calculated restoration fines. The following pages include individual class
6 member data, and demonstrate the calculations the Department used in order to reach the
7 proposed restoration fine. Based on this data the Department proposes a total of \$18,000 in
8 restoration contempt fines for the period of February 1 – February 28, 2025.

9 7. Attached as Attachment C is a true and correct proposed calculation of outpatient
10 competency restoration fines for the period of February 1 – February 28, 2025. The first page of
11 the calculation contains a summary of the calculated outpatient competency restoration fines.
12 The following pages include individual class member data and demonstrate the calculations the
13 Department used in order to reach the proposed outpatient competency restoration fine. Based
14 on this data, the Department proposes a total of \$1,500 in outpatient competency restoration
15 contempt fines for the period of February 1 – February 28, 2025.

16 8. Attached as Attachment D is an updated calculation of outpatient competency
17 restoration contempt fines for the period of January 1 – January 31, 2025. Data updates were
18 made to cases tracked in the Forensic Data System (FDS) due to an entry of an OCR program
19 start date (late data entry), resulting in a net decrease of \$2,000 in outpatient competency
20 restoration contempt fines for the period of January 1 – January 31, 2025.

21 9. Attached as Attachment E is a true and correct proposed calculation of in-jail
22 evaluation contempt fines from February 1 – February 28, 2025. The first page of the calculation
23 contains a summary of the calculated in-jail evaluation fines. The following pages include
24 individual class member data and demonstrate the calculations the Department used in order to
25 reach the proposed in-jail evaluation fine. Based on this data, the Department proposes a total of
26 \$90,000 in in-jail evaluation contempt fines for the period of February 1 – February 28, 2025.

1 10. In addition to the regular updates above, the Court approved a one-time look back
2 to January 2024 of requests for Good Cause Exceptions (GCEs) from fines. Dkt. No. 1143. The
3 Department has since filed that one-time look back request. *See* Dkt. No. 1185. Assuming the
4 Court finds at least some of these requests for GCEs are appropriate, the Department plans to
5 incorporate those findings into the next monthly fines filing here.

6 11. Please note that in Attachments B – E any cell that contains the word “null”
7 represents a value of zero. This alternative appearance is a result of changes made to the system
8 to enable more automated reporting.

9 12. Under the Court’s Order Granting Final Approval of Amended Settlement
10 Agreement (Dkt. No. 623), contempt fines relating to Dkt. No. 289 (inpatient fines) shall not be
11 reduced to judgment. However, the Department will continue to calculate and report these
12 inpatient contempt fines each month. The fine amount associated with a delay in admission to
13 the outpatient competency restoration program, as described in Attachment C, as well as the
14 calculation updates discussed above and described in Attachment D, is also being included in
15 this suspended category because it is not an in-jail evaluation delay. Based on the current
16 reporting period, as described in Attachment B and C, as well as the calculation updates
17 discussed above and described in Attachment D, **the inpatient portion of the fines totals**
18 **\$17,500**. This inpatient amount will not be included in the judgment, consistent with the Court’s
19 Order (Dkt. No. 623).

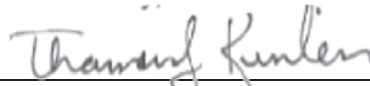
20 13. Under the Court’s Order Granting Final Approval of Amended Settlement
21 Agreement (Dkt. No. 623), no changes were made to contempt fines relating to in-jail
22 evaluation, and those fines shall continue to be calculated and reduced to judgment. Based on
23 the current reporting period for in-jail fines, as described in Attachment E, the Department
24 proposes that **the total judgment for this period should be in the amount of \$90,000**.

25 14. The data system is a dynamic system and relies on information provided from
26 entities both in and outside of the Department, which can impact the fine calculations.

1 The Department will continue to report on corrections to previously reported fine data in each
2 monthly submission to ensure that all contempt fines are accurately captured.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 Washington that the foregoing is true and correct to the best of my knowledge.

5 Signed this 11th day of March 2025, at Olympia, Washington.

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8 DR. THOMAS KINLEN
9 Director, Office of Forensic Mental Health Services
10 Behavioral Health Administration
11 Department of Social and Health Services
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CERTIFICATE OF SERVICE

I, *Marko Pavela*, state and declare as follows:

I am a citizen of the United States of America and over the age of 18 years and I am competent to testify to the matters set forth herein. I hereby certify that on this 12th day of March 2025, I caused to be filed electronically with foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Chloe Merino: chloem@dr-wa.org

Kimberly Mosolf: kmosolf@gmail.com

Christopher Carney: Christopher.Carney@CGILaw.com

Sean Gillespie: Sean.Gillespie@CGILaw.com

David JW Hackett: david.hackett@kingcounty.gov

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 12th day of March 2025, at Olympia, Washington.


MARKO PAVELA, AAG